

the Federal Bureau of Investigation, didn't you?

A. Yes sir.

Q. And when you asked him to come you knew he would come didn't you?

A. No sir.

Q. But you asked him to come didn't you?

A. Yes sir.

Q. And he obeyed you too, didn't he?

BY MR. HAUBERG:

We object to that.

BY THE COURT:

Sustained.

BY MR. ALFORD:

Q. He came through didn't he?

A. Yes sir.

Q. And you and Mr. Wooten were together in a room on the 20th of November together were you not?

BY MR. HAUBERG:

We object to that, he's been over that already.

BY THE COURT:

Sustain the objection.

BY MR. ALFORD:

Q. With the door closed?

BY MR. HAUBERG:

We object.

1 BY THE COURT:

2 Sustain.

3 BY MR. ALFORD:

4 Q And----

5 BY THE COURT:

6 UCounsel I didn't detect the slightest trace
7 of pressure on this man if that's what you
8 are struggling with.

9 BY MR. ALFORD:

10 Q And sir, you left on the, what day did you say
11 you left Louisiana?

12 A On the 21st sir.

13 Q And you talked to him again on the 21st?

14 A I talked to him on the 21st.

15 Q And you made notes and took down information
16 from him after you had already gotten a
17 signed statement from him didn't you?

18 A Yes sir.

19 Q And as a matter of fact did you or not tell
20 him on either the 19th of November, the
21 20th of November or the 21st of November
22 that others had made confessions and he
23 might just as well tell you all about it?

24 BY MR. HAUBERG:

25 We object to that if the Court please.

BY THE COURT:

I'll let him answer that, I haven't heard that kind of testimony.

BY THE WITNESS:

A No sir, we didn't tell him that.

Q Do you deny that?

A Yes sir.

Q Did Mr. Wooten make any statements to him?

A Not in my presence sir.

Q Did you know of them?

A Not to my knowledge sir.

Q You heard of it though didn't you?

A I don't know sir.

Q Well did you hear that he had been given payments by Mr. Wooten?

A I don't know where he did or not sir.

Q Well had you heard he had, that's not the question I'm asking, I ask you if you had heard that sir.

BY MR. HAUBERG:

We object to that, he's answered that.

BY THE COURT:

Yes, I think he has answered it two or three times today, sustained.

BY MR. ALFORD:

Q Sir, what is this that I show you here?

1 A Its a photocopy of a check.

2 Q And who is it payable to and who signed it?

3 BY MR. HAUBERG:

4 Your Honor we would like to see that before he starts
5 testifying about it.

6 BY THE COURT:

7 All right, show it to him Counsel

8 BY MR. ALFORD:

9 Q Who paid that check?

10 A James A. Wooten.

11 Q Who is the payee?

12 A Doyle Barnett.

13 Q Doyle Barnett. That's the name of the man that
14 signed the statement isn't it?

15 A That's the same name, yes sir.

16 Q What's the amount of the check?

17 A Two hundred dollars?

18 BY MR. HAUBERG:

19 If the Court please we would like for Counsel
20 to show the date of this check.

21 BY THE COURT:

22 Give him the date of the check.

23 BY THE WITNESS:

24 Q 12-18-64.

25 BY MR. HAUBERG:

We object, the 18, 19, 20, and 21st of
November is what is involved here.

BY MR. WATKINS:

Your Honor please that would go to the weight
and not to this here.

BY MR. ALFORD:

The fact that they paid him at some later
date.

BY THE COURT:

Well, let's see what he knows about the check
I'll overrule your objection at this point.

BY MR. ALFORD:

Q And who is it signed by?

A James A. Wooten.

Q And was he not the Special Agent that was
working with you on this case on the 19th,
20th and 21st of November?

A Yes sir.

Q And he signed it?

A His signature.

BY MR. HAUBERG:

We object to that if the Court please

BY MR. ALFORD:

Q And what date was that on?

BY THE COURT:

1 Just a minute Counsel.

2 BY MR. HAUBERG:

3 We object because he asked the witness if he
4 signed it, we don't know where he knows if
5 he signed it or not he would have to be present.

6 BY MR. ALFORD:

7 I'll withdraw that question and ask whose name
8 appears on the signature line?

9 A James A. Wooten.

10 Q And on what bank is that check drawn on?

11 A The First National Bank of Shreveport,
12 Shreveport, Louisian.

13 Q If the Court please we offer this as an
14 exhibit to this witness testimony in this case.

15 BY THE COURT:

16 Having seen this check do you know anything
17 about the check of your own knowledge?

18 BY THE WITNESS:

19 I had no knowledge of that check Your Honor.

20 BY THE COURT:

21 Its dated 12-18-64 on the account of Mr. or
22 Mrs. James A. Wooten, and I'll sustain the
23 objection to it and let it be marked as a
24 defendant's exhibit for identification.

25 (Whereupon exhibit marked for identification)

Pages 1326 through 1499 inclusive were not used in this
transcript by the Court Reporter intentionally.)

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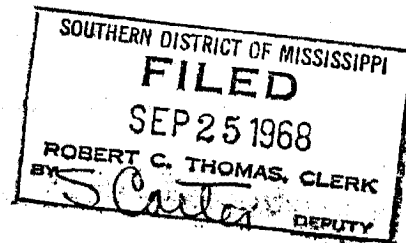
United States of America

v.

Cecil Ray Price, et al

Criminal Action No. 5291 Eastern

Pages 1500 through 2546 inclusive.



1 BY MR. WEIR:

2 We are ready, may it please Your Honor then.

3 Q Mr. Rash, I notice here in this statement that
4 it says, I have read the above statement con-
5 sisting of so many pages and that a true and
6 correct to the best of my knowledge and belief
7 and I have signed my initials to the bottom
8 of the first signed pages and initialed mistakes,
9 no force, threats or promises were made to induce
10 me to make this statement...you have never taken
11 any statement from any person that that didn't
12 have that signed at the end, have you?

13 A Uh, just about every statement that I take has
14 that.

15 Q Exactly the same wording, doesn't it?

16 A No sir.

17 Q But you dictated the wording to Mr. Barnett,
18 didn't you?

19 A I did sir.

20 Q Uh hum, so you told him to write this down in
21 these words and he wrote it down in those words
22 didn't he?

23 A I asked him if he would write it down.

24 Q Uh hum, and as you told him what to write down
25 he wrote it down, didn't he?

A. Yes sir.

Q. Uh hum, and you told him to sign his name to it, didn't you?

A. I asked him to sign his name to it.

Q. And you had your sidearm, didn't you?

A. I don't recall, sir.

Q. Well, you told Mr. Doar that you did?

A. I said, I could have.

Q. Oh, now you say you could have. Didn't you say a while ago that you did have it sir?

BY MR. HAUBERG:

We object, if Your Honor please, the record will speak for itself.

BY THE COURT:

Well you can tell us where you did or did not have a sidearm in view of Mr. Barnett any time that he was in your room.

BY THE WITNESS:

Q. To the best of my recollection I was not wearing my sidearm at the time of the interview.

Q. Now then up here at this very beginning of this statement it says, "I do hereby make this free and voluntary statement to S/A Henry Rask and S/A James A. Wooten, who have identified themselves to me to be Special Agents of the Federal Bureau

1 of Investigation, and Special Agent Henry Rask
2 informed me that I did not have to make a state-
3 ment that any statement made by me could be used
4 against me in a court of law, you dictated all of
5 that to Mr. Barnett and asked him to write that
6 down, didn't you?

7 A. No sir.

8 Q. Well, were those his words?

9 A. I wrote it down, sir.

10 Q. Oh, you wrote that part yourself?

11 A. I wrote the whole statement except the last
12 paragraph.

13 Q. And Mr. Barnett didn't tell you that, did he?

14 A. Beg your pardon?

15 Q. I said that Travis, uh, Doyle Barnett didn't
16 tell you that, did he?

17 A. No sir. This is what I told him.

18 Q. Oh, well, is the whole statement what you told
19 him? Or what part of it is what he told you
20 and what part of it is it that you told him?

21 A. The first paragraph which I recited, where I
22 advised him of his rights, I wrote that, and
23 then from thereon through the last paragraph Mr.
24 Barnett gave me the information and I wrote it
25 down. The last paragraph, I asked him to write

down, and he did.

Q And----

BY THE COURT:

Did you get through?

BY THE WITNESS:

Yes sir.

BY THE COURT:

All right.

BY MR. WEIR:

Q And again I say then, this part where it says that no threats, force or promises were made to induce me to make this statement, you told him that and you told him to write this down, didn't You?

A I asked him to write it down.

Q And he did?

A Yes sir.

Q And then you told him to sign it, didn't you?

A I asked him to sign it.

Q And he signed it?

A Yes sir.

Q And Mr. Wooten was there too?

A Yes sir.

Q And you all had already talked to him on the 17th and the 18th and 19th and had interviewed the questions with him on those days, didn't you?

1 A. No sir.

2 BY MR. HAUBERG:

3 We object, Your Honor.

4 BY THE COURT:

5 Let me get that again. What was the question?

6 BY MR. WEIR:

7 I said, that you all had already talked to him on
8 the 17th, 18th and 19th before this interview

9 occurred on the 20th, whenever you told him
10 to write that down.

11 BY MR. HAUBERG:

12 We object to that as being repetitious, Your Honor,
13 he's been over that several times.

14 BY THE COURT:

15 Sustained the objection.

16 BY MR. WEIR:

17 That part is repetitious, Your Honor.

18 BY THE COURT:

19 And I don't believe it's exactly accurate, either.

20 BY MR. WEIR:

21 Q. Mr. Rask, would you point Horace Doyle Barnett
22 out to the Court and Jury?

23 A. He's the third gentlemen sitting third from
24 the right there.

25 Q. And you can make a distinction between him and

Mr. E. G. "Hop" Barnette sitting to your back there? Would you turn around and look and tell if there is a distinct distinction between the two?

A. I don't know who Mr. "Hop" Barnette is.

Q. You don't know the Sheriff-elect of Neshoba County, Mississippi?

A. No, I haven't had the pleasure.

Q. All right sir, now then you did know that Mr. Horace Doyle Barnett's wife was subject to mis-carriages didn't you?

A. -

BY MR. HAUBERG:

We object, if the Court please.

BY THE COURT:

Sustain the objection.

BY MR. WEIR:

Q. And you knew that Mr. Doyle Barnett wanted to be at home with his wife, didn't you?

BY MR. HAUBERG:

Object, Your Honor.

BY THE COURT:

Sustain.

BY MR. WEIR:

Q. And you know that Mr. Wooten, Agent Wooten, at a

1 time you were questioning Doyle Barnett, left the
2 motel and went and told his wife where he was at
3 because he was so concerned about her, didn't you?

4 BY MR. HAUBERG:

5 We object, Your Honor.

6 BY THE COURT:

7 Sustain.

8 BY MR. WEIR:

9 Q You do know that Mr. Doyle Barnett had been away
10 from his wife for some twenty-four hours at a time

11 ----

12 BY MR. HAUBERG:

13 We object again, Your Honor, we don't see the
14 relevancy of this.

15 BY THE COURT:

16 Yes, I'll sustain the objection. Counsel let's
17 just stay in the record.

18 BY MR. WEIR:

19 Yes sir.

20 Q Well, do you know that Doyle Barnett had not
21 seen his wife for twenty-four hours.

22 BY MR. HAUBERG:

23 We object, again, Your Honor.

24 BY THE COURT:

25 Overruled.

BY MR. WEIR:

You may answer that. That's your understanding,
isn't it?

A What twenty-four hours, sir, I don't understand?

Q Well, at the time you were taking this statement.

A At the time of the signing of the statement?

Q Yes sir.

A No, I don't know that.

BY THE COURT:

I don't see what that's got to do with it, Counsel.
let's go along. It seems we are wasting a lot of
time.

BY MR. WEIR:

I will be through very shortly.

BY THE COURT:

All right.

BY MR. WEIR:

Q All right sir, Mr. Eask, uh, this information
here has been withheld from the State of
Mississippi, hasn't it?

BY MR. HAUBERG:

Object, Your Honor.

BY THE COURT:

Sustained.

BY MR. WEIR:

1 Q And didn't you promise Doyle Barnett, at the
2 time this statement was taken, that it would never
3 be turned over to the State of Mississippi?

4 A No sir.

5 Q And it hasn't been turned over to them, has it?

6 BY MR. HAUBERG:

7 Object to that, Your Honor.

8 BY THE COURT:

9 Sustained. That is completely immaterial.

10 BY MR. WEIR:

11 Yes sir.

12 Q How many times since the 20th day of November of
13 '64 have Agents of the F. B. I., to your know-
14 ledge, talked to Doyle Barnett?

15 A My personal knowledge?

16 Q Yes.

17 A I don't know sir. I haven't been back there.
18 I have seen Mr. Barnett on one or two occasions,
19 myself.

20 Q Isn't it customary for the Federal Bureau of
21 Investigation to give money if such was given
22 there as shown by that check that Mr. Alford
23 has shown?

24 BY MR. HAUBERG:

25 Object again, Your Honor.

BY THE COURT:

Sustain.

BY MR. WEIR:

Would Your Honor indulge me just a moment?

BY THE COURT:

Yes sir.

BY MR. HAUBERG:

Your Honor, I believe the check he is referring to is marked for identification only.

BY THE COURT:

Which check?

BY MR. HAUBERG:

The one he was referring to.

BY THE COURT:

Yes, its marked only for identification.

BY MR. WEIR: (Continuing)

Q Of course, Mr. Rask, this statement is not the exact words all together of Mr. Doyle Barnett, are they?

BY MR. HAUBERG:

We object to that, if it please the Court.

BY THE COURT:

Sustain.

BY MR. WEIR:

If the Court please, I believe that's all.

1 BY THE COURT:

2 All right. Stand aside.

3 BY MR. DOAR:

4 You Honor, we would like to offer this statement.

5 BY THE COURT:

6 I'll tell you, you can mark that original and
7 submit a copy of it.

8 BY MR. DOAR:

9 If it please the Court, the Government rests
10 it case in chief.

11 BY THE COURT:

12 All right, let the record show the Government
13 rests.

14 BY MR. WEIR:

15 Your Honor, before they rests I would like to
16 make one motion and that is a motion to renew
17 all objections that has previously been made by
18 defense counsels and all motions previously
19 made by defense counsel during the trial.

20 BY THE COURT:

21 All right, I make the same ruling that everytime
22 Counsel asked and if you ask me a thousand times
23 during this case I'm going to make this same
24 ruling so if that'll hold you to the Fifth
25 Circuit, all right.

BY MR. WEIR:

Thank you, Your Honor.

BY THE COURT:

You're welcome.

BY MR. WATKINS:

Has the Government rested?

BY THE COURT:

Yes sir.

BY MR. WATKINS:

We have two motions, if Your Honor please.

BY THE COURT:

All right, I'll excuse the Jury, take them to their Jury room, Mr. Marshal.

(Whereupon Jurors excused from the Courtroom at 3:15 P. M.)

BY THE COURT:

Gentlemen, while we are waiting, I thought you would like to know that I have just been brought a message and I will share it with you. Judge Clayton has just been appointed to the Fifth Circuit. I know that has nothing to do with this record, but I just thought the members of the Bar here today would be interested. All right, make your motions.

MR. WATKINS:

1 If it please the Court, for the record, comes now
2 Frank J. Herndon, Jimmy Arledge, James C. Harris
3 Travis M. Barnett, Jimmie Snowden and Alton Wayne
4 Roberts, for/on their behalf and moves the Court
5 for a judgment of acquittal, and Your Honor, for
6 the record further after a determination of that
7 motion I have another motion that I would like to
8 make and I would like to have a ruling by the Court
9 and then any other motions that might be made by
10 other Counsel before I make my other motion.

11 BY THE COURT:

12 Well, I don't believe I need to hear Counsel on that
13 I've heard the testimony and I have listened very
14 carefully and have abundant notes on it so I'll
15 overrule your motion.

16 BY MR. WATKINS:

17 Your Honor please, at this time for the record,
18 I would like, on behalf of Frank Herndon, move the
19 Court for a mistrial as to that defendant and I have
20 one witness, Your Honor, that I would like to put
21 on at this time.

22 BY THE COURT:

23 For a mistrial?

24 BY MR. WATKINS:

25 Yes sir.

THE COURT:

On what grounds?

MR. WATKINS:

The testimony that we would have is medication received during this trial, the circumstances under which he had to returned to the hospital, and his condition and administration of drugs and things of that nature. I want to make it for the record, Your Honor.

BY THE COURT:

I'll let you make a proffer for the record, so we can get along a little quicker.

BY MR. WATKINS:

Well, Your Honor, please, I would like to offer for the record his entire record in the hospital is what I'm trying to do, Your Honor.

BY THE COURT:

Do you want the whole record?

BY THE ATTORNEY WATKINS:

Yes sir, it is very short, and May I offer it without a witness?

BY THE COURT:

Yes sir. Of course, I heard testimony on your motion, I believe for a continuance that involved the physical condition of this defendant, and I

1 responded to that motion, and I haven't seen
2 anything during the course of the trial to make
3 me change that view point.

4 BY MR. WATKINS:

5 Your Honor, at this time in support of the
6 motion which I made, we offer the medical record
7 of Frank J. Herndon in connection with the
8 testimony that Your Honor has already heard
9 and also that record during the trial of this
10 lawsuit.

11 BY THE COURT:

12 All right, it may be marked, and I assume
13 you will want to substitute a copy?

14 BY MR. WATKINS:

15 No sir, I do not want to substitute what I
16 am offering, Your Honor, that is a photostat
17 already.

18 BY THE COURT:

19 All right, that may be entered and marked
20 on your motion for a mistrial, and your motion
21 is overruled.

22 (Whereupon exhibit entered into evidence
23 and marked Herndon's exhibit I to motion for
24 mistrial.)
25

MR. PIGFORD:

May it please the Court, for and on behalf of the defendant, Bernard L. Akin we move the Court for a verdict of acquittal for this defendant.

BY THE COURT:

Bernard L. Akin?

BY MR. PIGFORD:

Yes sir.

BY THE COURT:

I'll overrule your motion.

BY MR. HERMAN ALFORD:

Your Honor, please, on behalf of defendant, William Olen Burrage, we move that the Court enter a judgment of acquittal for this defendant, since the defendant, excuse me, since there was no admissible evidence introduced as to this defendant whatsoever to support the allegations charged in this indictment.

BY THE COURT:

Well I am not sure enough about that to sustain your motion. This whole thing took place on his property and I don't remember whether he was present or not.

BY MR. ALFORD:

Your Honor please, there is not one scintilla of

1 of evidence against him as being present at any
2 place.

3 BY THE COURT:

4 I don't remember any evidence against him except
5 that it was on his property with his equipment
6 rather his rented equipment.

7 BY MR. ALFORD:

8 There is no evidence about his equipment, it was
9 just equipment.

10 BY THE COURT:

11 Yes, but it was out there sitting where the
12 water was supposed to be at his place and would
13 be.

14 BY MR. ALFORD:

15 Your Honor, whe equipment was there and he
16 stated he was working for Mr. Tucker, the
17 contractor.

18 BY THE COURT:

19 Yes, I believe that was the witness Pettis,
20 but I'll overrule your motion, but I think as
21 to him bhey may be dependent entirely upon
22 circumstantial evidence but this rule requires
23 a little bit higher order of proof where it
24 is circumstantial, frankly that's all I recall
25 against Mr. Burrage, is circunstial evidence

but I believe there's enough in there to let a jury say whether or not he's guilty.

BY MR. ALFORD:

Your Honor please, comes now the defendant Richard Andrew Willis and moves the Court for a judgment of acquittal on the grounds there has been no testimony concerning him whatsoever in this cause.

BY THE COURT:

Well, I don't recall any testimony that put him at the dam-site on the occasion but I believe there is sufficient evidence in this record for circumstances and admissible inferences that the jury might or might not say he was guilty, so I'll overrule your motion.

BY MR. ALFORD:

Comes now, the defendant, Cecil Ray Price, and moves the Court for a judgment of acquittal on the grounds there has been no permissible evidence introduced to substantiate a judgment against him.

BY THE COURT:

I'll overrule that motion.

BY MR. ALFORD:

Comes now the defendant, Edgar Ray Killen and moves the Court for a judgment of acquittal.

1 BY THE COURT:

2 Overruled.

3 BY MR. ALFORD:

4 Comes now----

5 BY THE COURT:

6 Excuse me, Mr. Alford, let me state this. We

7 are obliged to consider each one of these motions
8 separately and not in accordance with previous treat-
9 ment that were given other motions because some of
10 them are different circumstances.

11 BY MR. ALFORD:

12 Comes now, the defendant, Billy Wayne Posey, and
13 moves the Court for a judgment of acquittal.

14 BY THE COURT:

15 Overruled.

16 BY MR. ALFORD:

17 Comes now the defendant, Jerry McGrew Sharpe, and
18 moves the Court for a judgment of acquittal.

19 BY THE COURT:

20 Overruled.

21 BY MR. ALFORD:

22 Comes now the defendant, Ethel Glen "Hop" Barnette
23 and moves the Court for a judgment of acquittal.

24 BY THE COURT:

25 Overruled.

BY THE COURT:

I don't believe that's all of the defendants. I think each Counsel should make separate motions, but if someone wishes to make motions with respect to a group I'll hear you.

BY MR. BUCKLEY:

I'm sorry, Your Honor, I am not authorized to do that but on behalf of my client, Sam Holloway Bowers, Jr., we respectfully move the Court to enter a verdict of acquittal.

BY THE COURT:

Overruled.

BY MR. MCINTIRE:

Your Honor, if it please the Court, comes now the defendant, Lawrence Andrew Rainey, defendant and moves the Court for a judgment of acquittal. There has been only one witness who stated they even saw Sheriff Lawrence Rainey prior to this alleged time, and we respectfully move this Court to enter a judgment of acquittal for Sheriff Lawrence Andrew Rainey.

BY THE COURT:

Overrule your motion. I'm not passing on the weight of any of this evidence, I'm merely saying that there is some substantial evidence in the record from which

1 a jury might or might not acquit.

2 BY MR. COVINGTON:

3 May it please the Court, comes now the defendant,
4 Horace Doyle Barnett, and moves the Court for a
5 judgment of acquittal.

6 BY THE COURT:

7 Overruled.

8 BY MR. LEWIS:

9 Your Honor, now comes Herman Tucker and moves the
10 Court for judgment of acquittal in this cause for
11 several reasons. One is, I believe the Government
12 has failed to show by permissible evidence that he
13 has even been connected with this conspiracy, I be-
14 lieve one witness has testified that Mr. Pettis, that
15 this equipment belonged to Mr. Tucker, but I believe
16 that is all the testimony that is in the record as
17 to this defendant.

18 BY THE COURT:

19 Well he was the dozer operator, wasn't he?

20 BY MR. LEWIS:

21 Well, I believe that was mentioned too, Your Honor.

22 BY THE COURT:

23 I'll overrule your motion.

24 BY MR. WEIR:

25 Your Honor, please I don't want to burden the Court

but the defendants move the Court to exclude the evidence introduced with reference to the Bloomo incident with reference to the church burning and the alleged whipping at the church because its an entirely unrelated matter to that for which the defendants are charged and are being tried for now.

BY THE COURT:

Do you make that on behalf of all of the defendants?

BY MR. WEIR:

Yes sir.

BY THE COURT:

Overruled.

BY MR. WEIR:

Thank you.

BY THE COURT:

Is that all gentlemen?

BY ALL COUNSEL FOR DEFENDANTS:

Yes sir.

BY THE COURT:

We'll take a fifteen minute recess.

(Whereupon the Court took a recess at 3:26 P. M.
for 15 minutes.)

PER RECESS:

1 CARTER W. WALTERS, called as a witness for and on
2 behalf of Defendants, was sworn and testified as
3 follows:

4 BY MR. BUCKLEY:

5 Q. Would you state your name please?

6 A. Carter W. Walters.

7 Q. Mr. Walters, where do you live?

8 A. Laurel, Mississippi.

9 Q. And how long have you lived there?

10 A. Approximately twenty years.

11 Q. Do you know Sam Holloway Bowers, Jr., the
12 defendant in this case?

13 A. I do.

14 Q. And approximately how long have you known him?

15 A. About eight years.

16 Q. About eight years?

17 A. Yes sir.

18 Q. And do you know about where he lives?

19 A. Yes.

20 Q. Mr. Walters, do you know Mr. Bowers' general
21 reputation, in that, uh, pardon me, where does
22 he live?

23 A. Short Fourth Avenue.

24 Q. In Laurel?

25 A. Yes sir.

Q Mr. Walters, do you know Mr. Bowers general reputation in the community where he lives for peace and violence and as a law abiding citizen in which he resides?

BY MR. HAUBERG:

We object, if the Court please, we don't believe its a proper question at this time.

BY THE COURT:

Why isn't it a proper question?

BY MR. HAUBERG:

We don't believe he has asked the proper question about his reputation.

BY THE COURT:

Yes, I'll let you rephrase your question and ask him about that.

BY MR. BUCKLEY:

Q Mr. Walters, do you know the people with whom Mr. Bowers associates?

A I don't know his close associates, mine is strictly business connections.

Q Yes sir, but do you know the people in the community, any of them, where he resides?

A I do.

Q Do you live in the same general community, I believe you testified that you did, and uh, would

1 you tell us whether or not you talk to any of
2 them on occasions or not?

3 A. Yes sir, it has been generally discussed, yes.

4 Q. Tell us whether or not you know Mr. Bowers' general
5 reputation in the community where he resides for
6 peace and violence?

7 BY MR. HAUBERG:

8 We object, if it please the Court, --

9 BY THE COURT:

10 I'll overrule that.

11 BY MR. BUCKLEY:

12 Q. As a law abiding citizen.

13 A. They speak of him as a quiet, law abiding citizen.

14 BY MR. HAUBERG:

15 We object to that, if the Court please, its not
16 a proper question.

17 BY MR. BUCKLEY:

18 Q. Mr. Walters, what I want to ask you if you know
19 his general reputation in the community as a
20 peaceful law abiding citizen?

21 A. Peaceful.

22 Q. Mr. Walters, if you will answer me yes or no
23 if you will, then I will ask you another question,
24 now, do you know his general reputation in the
25 community in which he resides?

A. Yes.

Q. For peace and violence as a law abiding citizen?

A. I say yes.

Q. All right sir. Now, is his general reputation in the community in which he resides, uh, is his reputation for peace and violence as a law abiding citizen good or bad?

A. Good to my knowledge.

Q. That's all we have.

THE COURT:

Any cross examination?

MR. HAUBERG:

CROSS EXAMINATION

Q. Mr. Walters, I believe you said you had heard people discuss his reputation?

A. I've heard some general discussion.

Q. Who have you heard discuss it?

A. Ray Lomax.

Q. And where does he live?

A. In Laurel, he operates a cleaning business.

Q. And you say you've heard a number of people discuss his reputation in the county and in the community in which he resides?

A. Quite a few.

Q. Have you heard anything bad about him?

1 A No sir.

2 Q You did hear of his arrest in another matter-----

3 BY MR. BUCKLY:

4 Your Honor, if it please the Court, I object to
5 that----

6 BY THE COURT:

7 Let Counsel finish, Mr. Buckley. Have you
8 finished your question, Mr. Hauberg?

9 BY MR. HAUBERG:

10 Yes, Your Honor.

11 BY MR. BUCKLEY:

12 I object, Your Honor, this has nothing to do
13 absolutely with his general reputation for
14 peace and violence which is in issue here.

15 BY THE COURT:

16 I'll overrule that objection.

17 BY MR. HAUBERG:

18 Q You have heard of that, have you not?

19 A I have heard of it.

20 Q And having heard that, has that given you any
21 change in your opinion of his reputation?

22 A I have no opinion, I've heard nothing of the
23 trial.

24 Q And you sit there now and tell us you have no
25 general opinion of his reputation?

A I have an opinion as to his general reputation,
yes.

Q But what you have heard you have not changed your
opinion of it, is that correct?

A No.

Q Have you heard anyone else discuss it?

A Nothing more than I stated, just general dis-
cussion.

Q Then you've heard his reputation discussed in the
community in which he resides?

A Right.

Q Have you heard it discussed recently?

A Not too recently.

Q Do you recall when this incident came up in
connection with this case, did you hear about
that?

A I don't remember any particular time.

Q Well, you heard about it, did you not?

A Yes, I heard about it.

Q And you still maintain your opinion about his-----

BUCKLEY (INTERRUPTING)

Your Honor, if it please the Court, I object
that's repetitious.

COURT:

Counsel, you don't let him finish his questions.

1 BY MR. HAUBERG:

2 Q Then you still say he has a good reputation in
3 spite of the fact of your knowledge of this
4 particular incident he is on trial for now?

5 A Right.

6 BY MR. BUCKLEY:

7 If it please the Court, I object to that.

8 BY THE COURT:

9 Overruled.

10 BY MR. HAUBERG:

11 I believe that's all.

12 BY THE COURT:

13 All right, you may step aside, next witness?

14 T. H. SINGLETARY, called as a witness for and on
15 behalf of Defendants, was sworn and testified as
16 follows:

17 BY MR. McINTIRE:

18 Q Mr. Singletary, would you tell the Court and
19 jury your complete name and address?

20 A T. H. Singletary.

21 Q And where do you reside, Mr. Singletary?

22 A 5132 DeWeese Drive, Jackson.

23 Q What's your occupation, Mr. Singletary?

24 A State Fire Marshal.

25 Q State of Mississippi?

Q Yes sir.

Q I call your attention to June 16, 1964, where were you about that time?

A June the 16th?

Q Yes sir. I'll rephrase my question. The early part of the summer of 1964, did you have an occasion to go to Neshoba County?

A Yes sir.

Q Just tell the Court and jury your general business and the date that you went up there?

A I went up there on June the 22nd.

Q June the 22nd?

A Yes sir. I got this call out of the office there in Jackson and said the Sheriff's Department----

MR. HAUBERG:

We object to what was said, if the Court please.

THE COURT:

Yes, sustain the objection. Just tell us what you went up there for?

THE WITNESS:

A I went up there to investigate a burning of a church.

Q Yes sir, what church was that?

A Mt. Zion Baptist Church in Neshoba County.

Q And who requested you to come up there?

1 A The Sheriff's Department called.

2 Q The Sheriff's Department requested you to come
3 up there? To investigate the burning?

4 BY MR. HAUBERG:

5 We object to that, Your Honor.

6 BY THE COURT:

7 Overruled. Go on.

8 BY MR. McINTIRE:

9 Q You may answer.

10 A I don't know who called, but they told me to go
11 up there.

12 BY MR. HAUBERG:

13 We object.

14 BY THE COURT:

15 Overruled.

16 BY THE WITNESS:

17 A The office, uh, I don't know who called, whether
18 it was the Sheriff or who called, but it was someone
19 in the Sheriff's office.

20 Q When you got to Neshoba County who did you contact?

21 A Sheriff Rainey.

22 Q And what did you and Sheriff Rainey do?

23 A We drove out to the scene where the church had
24 burned.

25 Q And when you got out there, what did you find?

A. We found the church a total loss, had burned completely to the ground.

Q. Did you make inquiries during your investigation?

A. Yes sir.

Q. Tell the Court and jury your investigation in general.

A. Well, we started right there near the church, I would say within a quarter of a mile of it, and talked to everybody in that neighborhood about it around there, and I talked with them and some of them we got short statements from, and then we came on back down over on 16 Highway and talked to some more people that were out there at that church the night before. We just made an investigation of it, I mean the best we could from the witnesses and the people that we could find.

Q. Did you get any cooperation from these witnesses?

A. Well they told us----

MR. HAUBERG:

We object, if the Court please.

THE COURT:

Sustain the objection.

MR. MCINTIRE:

Q. Did you bring this investigation to a conclusion?

1 A I didn't.

2 Q Is your file still open then at this time?

3 A Well, it is, yes sir.

4 Q All right sir. While you were in Neshoba County
5 on this trip did you have any occasion to make
6 any other kind of investigation? In reference
7 to a fire?

8 A Uh, I was up there on the 22nd and on the 23rd
9 and on the afternoon of the 23rd Sheriff Rainey
10 and myself had conducted several investigations
11 around the area and at that time we hadn't come
12 up with anything, so I had decided that I might
13 just as well go back and come back later, maybe
14 something would develop, and just as I was
15 fixing to go home Sheriff Rainey and Mr. Price
16 came up to my hotel room where I was up there get-
17 ting packed up to go back to Jackson and said that
18 they had found----

19 BY MR. HAUBERG:

20 We object to what was said.

21 BY THE COURT:

22 Yes, you can't tell what somebody else said, just
23 tell us what you know.

24 BY MR. MCINTIRE:

25 Q Sheriff Rainey and Mr. Price came up there, were

did you all go then?

A. We went out to where this station wagon had burned.

Q. When you got out there, what did you find?

A. Well of course, we found this burned station wagon, and there were a good many people out there and they had the thing roped off, had a rope around----

Q. Who had it roped off?

A. Well, there were F. B. I. Agents out there.

MR. HAUBERG:

If the Court please, the answer was not in response to the question.

THE COURT:

Yes, I'll let you give a response to his answer.

He asked you who it was that roped it off? If you know?

MR. MCINTIRE:

A. I don't know.

Q. You don't know who roped it off?

A. I know who was out there at the rope when I got out there to the place this station wagon was.

Q. Were you allowed to go down in the area and investigate this vehicle?

A. No sir.

Q. Why weren't you? As the Fire Marshal of Mississippi?

1 A Sheriff Rainey and myself got there at the same
2 time and when we started down to get under this
3 rope to go over down there in the edge of the
4 woods where the station wagon was, there was an
5 Agent there that said they weren't allowing any-
6 body to go in there, of course, the Sheriff went
7 in, he had on his uniform, he went on it, but
8 I stopped, and went on back up to the highway. I
9 never did try to get in.

10 Q Did you ever make any final determination of this
11 fire?

12 A No sir.

13 Q I don't have any further questions, Your Honor,
14 thank you.

15 BY THE COURT:

16 Which fire are you talking about that you haven't
17 made any further investigation of? You were
18 telling us about a church fire and last you
19 were telling us about a station wagon fire, which
20 fire were you talking about now in your last
21 answer?

22 BY THE WITNESS:

23 The last fire was the station wagon.

24 BY THE COURT:

25 Station wagon?

THE WITNESS:

Yes sir.

THE COURT:

And that was the one you were telling Counsel about?

THE WITNESS:

Yes sir.

THE COURT:

All right.

MR. MCINTIRE:

Just one further question, Your Honor.

Q Mr. Singletary, you stated that an agent wouldn't let you go in there, what kind of an agent was this?

A Uh, I don't know, I would assume----

MR. HAUBERG:

We object to his assuming, Your Honor.

THE WITNESS:

A I couldn't say for sure. But in other words, uh, the only agents that I know and that were out there, there were some 8 or 10 probably down there at the edge of the woods around the station wagon, and the only Agent that I saw after I got there that I knew was Mr. John Proctor, but he wasn't the one that was up there at the rope.

1 Q Do you know who Mr. John Proctor works for?

2 A Yes sir. I know him.

3 Q Who does he work for?

4 A He's with the Federal Bureau of Investigation,
5 I know him personally.

6 Q Yes sir, thank you. I have no further questions,
7 Your Honor.

8 BY MR. WEIR:

9 Judge, we object to anything for the defendants
10 Price, Burrage, Killen, Posey, /Willis and E. G.
11 Barnette as to anything about the first fire that
12 he testified about as to the alleged fire in
13 reference to the vehicle, we want to make this
14 objection.

15 BY THE COURT:

16 I haven't heard him connect either one of those
17 defendants with either one of those fires.

18 BY MR. WEIR:

19 No sir, I understood that but we still object to
20 the testimony with reference to the testimony
21 and move the Court to exclude it.

22 BY THE COURT:

23 Overruled. Do you gentlemen have any questions?

24 BY MR. HAUBERG:

25 We have no questions for this witness, Your Honor.

(Whereupon witness excused)

JACK THRASH, called as a witness for and on behalf of Defendants, was sworn and testified as follows:

R. McINTIRE:

Q. Mr. Thrash, would you tell the Court and jury here your full name and where you reside?

A. Jack Thrash, Philadelphia, Mississippi.

Q. What is your occupation?

A. Service Station.

Q. I would call you attention to August the 5th 1964, did you have any occasion to be empanelled for any service for Neshoba County?

A. A coroner's jury.

Q. Uh, you were empanelled on August 5th 1964 for what, now?

A. Coroner's jury.

Q. Coroner's jury?

A. Right.

Q. And tell the Court and jury how you were empanelled and the duty of a coroner's jury?

A. It must have been about 10⁰⁰ o'clock when we were called and I guess we must have gotten out there about 10:30.

Q. Got out where?

A. To a pond levy.

1 Q When you got out there, what did you see?
2 A Just a hole.
3 Q Did you make any type of investigation?
4 A Well, we tried to, but we couldn't get anybody
5 to tell us anything, nobody didn't know anything.
6 Q Were there some people out there?
7 A Yes sir, there were some agents there.
8 Q What kind of agents?
9 A F. B. I. Agents, I suppose.
10 BY MR. HAUBERG:
11 We object to what he supposes.
12 BY THE COURT:
13 Sustained.
14 BY MR. McINTIRE:
15 Q Were there any other people out there?
16 A There were a bunch of people out there but I didn't
17 know who were.
18 Q Did you try to talk to anybody?
19 A Oh yes, we questioned this fellow who was
20 operating a digger there, but he wouldn't answer
21 any questions.
22 Q Did you try to ask him any questions?
23 A Yes sir.
24 Q Why didn't you ask any questions?
25 A Well, we talked to some fellow that was an agent

ee?

there, and he said we had the right to ask---

1
2 BY MR. HAUBERG:

3 We object to what he said.

4 BY THE COURT:

5 Overruled.

6 BY MR. McINTIRE:

7 A. He said we had the right to ask him any
8 question we wanted to ask him so we asked
9 him why he went to this particular spot and
10 he never would answer.

11 BY THE COURT:

12 Who was that individual?

13 BY THE WITNESS:

14 What?

15 BY THE COURT:

16 Who was that individual that you were talking
17 to?

18 BY THE WITNESS:

19 I don't know.

20 BY THE COURT:

21 °what was he doing out there?

22 BY THE WITNESS:

23 He was operating that dragline.

24 BY THE COURT:

25 Dragline or bulldozer?

?
anybody
w anything.

but I didn't

was

n't answer

s an agent

1 BY THE WITNESS:

2 Dragline.

3 BY THE COURT:

4 What was he doing with the dragline?th

5 BY THE WITNESS:

6 Well he wasn't on it then but he said he was the
7 operator. We didn't see him operate the dragline
8 but this Agent said he was the operator, he had
9 done the work.

10 BY MR. McINTIRE:

11 Q Did you make any futher investigation?

12 A Well, we come on back up to the motel then, and
13 we were directed there to stop and see what we
14 could find but we never could get any information
15 there, so that was the end of it.

16 Q Did you talk to anybody in the motel?

17 A Well, we never could get anybody to tell us any-
18 thing, I think we talked to several but we never
19 could get any information as to the man we were
20 supposed to see.

21 Q How did you know you were supposed to see this man?

22 A Well, they said we could get some more information
23 up at the motel.

24 Q Who were they?

25 A Well I suppose it was an Agent.

MR. HAUBERG:

We would object to this testimony, Your Honor.

THE COURT:

Yes, I'll sustain the objection.

MR. McINTIRE:

Q Have you ever sat on a coroner's jury before?

A Yes sir.

Q What's been your experience in the past on a coroner's jury?

MR. HAUBERG:

We object to that.

THE COURT:

Sustained.

MR. McINTIRE:

I have no further questions.

BY MR. DOAR:

CROSS EXAMINATION

Q Could you describe or would you describe the place you went on August 5th?

A Yes sir.

Q Go ahead.

Q Well, it was out at a place where they were building a pond, just a pond, I don't know, some eight or nine miles out of Philadelphia.

Q Which away?

1 Q Which way?

2 A Oh, it was, uh, I would say southwest.

3 Q And on whose property?

4 A I don't know.

5 Q Do you know the name of the farm?

6 A Well, I guess it was Olen Burrage's property,
7 I don't know, I didn't ask anyone.

8 BY MR. WEIR:

9 We object, if the Court please.

10 BY THE COURT:

11 Yes, I'll sustain the objection.

12 BY MR. DOAR:

13 Q Have you ever heard that farm referred to as the
14 old Jolly farm?

15 A No sir.

16 Q Well, where does Olen Burrage live?

17 A He lives southwest of Philadelphia.

18 Q Does he live closer to town than where this pond
19 or dam was?

20 A I---

21 BY MR. BUCKLEY:

22 Your Honor, if it please the Court, we object
23 to this, this is not material where he lives
24 closer to town or not, he doesn't know whose
25 farm it was.

THE COURT:

He's on cross examination, I'll overrule your objection.

MR. DOAR:

You may answer.

A. Do what?

Q. You may answer the question.

A. Ask your question again.

Q. All right. I said, does Olen Burrage live closer to town than to this farm where the pond or dam site was, or does he live further from town?

A. Well, you're talking about around the road?

Q. I'm talking about as the crow flies.

QA. Well, I wouldn't know about that, I've never walked across there the way the crow flies.

Q. You mean you don't that his garage is closer to Philadelphia than this dam and pond?

A. Well, I don't know whether it would be across or not, no sir.

Q. Just let me start over again. From the courthouse square in Philadelphia, is it closer to Olen Burrage's home and his garage, or is it closer to the dam site?

A. You mean like I would go if I was going to Burrage's home?